

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**PEDRO LUIS GAVILAN-CRUZ,
Petitioner,**

v.

**SUPERINTENDENT, SCI ROCKVIEW,
and THE ATTORNEY GENERAL OF
THE STATE OF _____,
Respondents.**

CIVIL ACTION

NO. 19-954

O R D E R

AND NOW, this 24th day of July, 2019, upon consideration of Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus filed by *pro se* petitioner, Pedro Luis Gavilan-Cruz (Document No. 1, filed March 6, 2019), Petitioner's Motion for Appointment of Counsel Pursuant to 18 U.S.C. § 3006A(a)(2), the record in this case, and the Report and Recommendation of United States Magistrate Judge Timothy R. Rice dated May 17, 2019, there being no objections to the Report and Recommendation notwithstanding the passage of time for filing such objections, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Timothy R. Rice dated May 17, 2019, is **APPROVED** and **ADOPTED**;
2. Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus filed by *pro se* petitioner, Pedro Luis Gavilan-Cruz is **DENIED WITH PREJUDICE** for the reasons stated in the Report and Recommendation;
3. Petitioner's Motion for Appointment of Counsel Pursuant to 18 U.S.C. § 3006A(a)(2) is **DENIED**;
4. A certificate of appealability will not issue because reasonable jurists would not debate this Court's decision that the petition does not state a valid claim of the denial of a

constitutional right with respect to petitioner=s claim. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

IT IS FURTHER ORDERED that the Clerk of Court shall **MARK** this case **CLOSED**.

BY THE COURT:

/s/ **Hon. Jan E. DuBois**

DuBOIS, JAN E., J.